

AMENDED IN SENATE AUGUST 30, 2005

AMENDED IN SENATE AUGUST 15, 2005

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AMENDED IN ASSEMBLY MAY 26, 2005

AMENDED IN ASSEMBLY APRIL 14, 2005

AMENDED IN ASSEMBLY MARCH 2, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 23**

**Introduced by Assembly Member Liu**  
**(Principal coauthor: Assembly Member Karnette)**  
(Coauthor: Senator Alquist)

December 6, 2004

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An act to amend Section 52616.19 of, to add Section 52617 to, and to repeal Section 52616.23 of, the Education Code, relating to adult education, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 23, as amended, Liu. Adult education finance.

(1) Existing law requires, to the extent funds available for specified adult education programs are in excess of the amount needed to fund the programs, the Superintendent of Public Instruction to use the excess funds for the development of criteria for identifying programmatic areas of adult education needing expansion.

This bill would delete that requirement.

(2) Existing law requires the Superintendent of Public Instruction to develop criteria to identify programmatic areas of adult education that

are in need of expansion and affords a school district an opportunity to apply for additional units of adult education average daily attendance to meet needs in programmatic areas identified by the Superintendent. This bill would repeal those provisions.

(3) Existing law requires the Superintendent of Public Instruction to determine an authorized limit of adult education average daily attendance for all high school districts and unified school districts that operated and claimed adult education state apportionments for the 1992–93 fiscal year. Existing law provides that for the 1996–97 fiscal year, and each fiscal year thereafter, a school district’s adult education average daily attendance for apportionment purposes is its authorized adult education average daily attendance for the prior fiscal year multiplied by 1.025.

This bill would provide that, commencing in the ~~2005–06~~ 2006–07 fiscal year, and *in* each fiscal year thereafter, the allocation of statewide authorized adult education average daily attendance shall be modified pursuant to a specified formula.

The bill would also make specified school districts ineligible for an authorized limit of adult education average daily attendance for apportionment purposes for the 2005–06 and 2006–07 fiscal years. The bill would declare that due to the unique situation of those school districts, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and a general statute is therefore necessary.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 52616.19 of the Education Code is
- 2 amended to read:
- 3 52616.19. (a) Commencing with the 1993–94 fiscal year, and
- 4 each fiscal year thereafter, the only funding available for
- 5 purposes of Sections 52616, 52616.16, 52616.17, and 52616.18
- 6 shall be the following:
- 7 (1) Funds that would have been apportioned for purposes of
- 8 Section 52616, as that section read on June 30, 1993.

1 (2) Funds that would have been apportioned for purposes of  
2 concurrently enrolled average daily attendance pursuant to  
3 Section 42238.5, as that section read on June 30, 1993.

4 (3) Funds that would have been available for purposes of adult  
5 elementary and secondary independent study average daily  
6 attendance pursuant to Section 46300.1, as that section read on  
7 June 30, 1993.

8 (b) In the 1993–94 fiscal year, up to four million two hundred  
9 fifty thousand dollars (\$4,250,000) shall be available for the start  
10 up of new adult education programs pursuant to Section  
11 52616.18. In the 1994–95 fiscal year, up to eight million five  
12 hundred thousand dollars (\$8,500,000) shall be available for the  
13 startup of new adult education programs and the continuation of  
14 programs started and funded in the 1993–94 fiscal year. Four  
15 million two hundred fifty thousand dollars (\$4,250,000) of that  
16 amount shall only be available for new adult education programs  
17 if there is no deficit applied pursuant to subdivision (c). It is the  
18 intent of the Legislature that, commencing in the 1995–96 fiscal  
19 year, those adult education programs started and funded in the  
20 1993–94 and 1994–95 fiscal years shall continue to be funded.

21 (c) If the funds available pursuant to subdivision (a) are not  
22 sufficient to fully fund Sections 52616, 52616.16, 52616.17, and  
23 52616.18, the Superintendent of Public Instruction shall reduce  
24 the adult education apportionment for each district that received  
25 funding pursuant to Section 52616.16.

26 (d) If the funds available pursuant to subdivision (a) exceed  
27 the amount needed to fund the purposes specified in Sections  
28 52616, 52616.16, 52616.17, 52616.18, and 52617, the  
29 Superintendent shall allocate those excess funds on a one-time  
30 basis to a school district operating adult education programs that  
31 have exceeded its number of units of authorized adult education  
32 average daily attendance in proportion to the excess units of  
33 average daily attendance served by each school district for ~~the~~  
34 ~~current~~ that fiscal year. The Superintendent may not allocate an  
35 amount of funds to a school district pursuant to this subdivision  
36 that exceeds the total number of units of authorized adult  
37 education average daily attendance served by the school district  
38 multiplied by the appropriate funding rate per unit of average  
39 daily attendance.

40 SEC. 2. Section 52616.23 of the Education Code is repealed.

SEC. 3. Section 52617 is added to the Education Code, to read:

52617. (a) (1) Commencing in the ~~2005-06~~ 2006-07 fiscal year, and in each fiscal year thereafter, the Superintendent shall, *after making adjustments pursuant to subdivision (d) of Section 52616.17, and based on data reported to the department by local educational agencies on or before July 15 of each fiscal year,* adjust the allocation of apportionments for adult education average daily attendance ~~pursuant to subdivision (d) of Section 52616.17~~ as follows:

(A) For a school district operating an adult education program with fewer than 100 units of authorized adult education average daily attendance, as determined pursuant to Section 52616.17, in the two prior fiscal years, and which served or exceeded its adult education average daily attendance authorized limit in the two prior fiscal years, ~~the school district shall receive~~ *Superintendent shall grant to the school district* up to 30 additional units of authorized adult education average daily attendance made available after ~~the Superintendent~~ *he or she* performs the adjustments pursuant to subparagraph (C) *upon the request of the district*. A school district that receives additional units may not exceed 100 total units. If available units are insufficient to provide for this adjustment, the school district shall receive a prorated amount, relative to the units of authorized adult education average daily attendance of the school district.

(B) For a school district operating an adult education program with 100 or more units of authorized adult education average daily attendance, as determined pursuant to Section 52616.17, in the two prior fiscal years, and which served or exceeded its units of authorized adult education average daily attendance for the school district in the two prior fiscal years, the school district shall receive a prorated amount of units available, as specified in paragraph (2), after the Superintendent performs the adjustment required by subparagraphs (A) and (C), relative to the adult education average daily attendance authorized limit of the school district.

(C) For a school district operating an adult education program that failed to serve its units of authorized adult education average daily attendance for the school district in the two prior fiscal years, the units of authorized adult education average daily

attendance of the school district shall be reduced by an amount equal to one-half of the lowest level of unearned adult education average daily attendance in either of the two prior fiscal years. The Superintendent shall notify a school district that its units of authorized adult education average daily attendance for the school district are reduced pursuant to this paragraph.

(2) The Superintendent may not perform adjustments pursuant to paragraph (1) that result in a total statewide apportionment of units of authorized adult education average daily attendance that exceeds the amount funded in the annual Budget Act.

(3) (A) A school district that receives additional units of authorized adult education average daily attendance pursuant to paragraph (1) shall provide a number of career technical education courses that is ~~commensurate with~~ *equal to* the percentage of average daily attendance of adults attending those courses in the prior three fiscal years without regard to units of authorized adult education average daily attendance added pursuant to paragraph (1).

(B) A school district shall use funds derived from an adjustment performed pursuant to paragraph (1) for the purpose of providing access to, or direct instruction in, career technical education courses.

(C) "Career technical education courses" means those included within the career and technical education curriculum framework developed pursuant to Section 51226.1.

(b) (1) The following school districts are not eligible for an increase in the *additional* units of authorized adult education average daily attendance, as specified in Section 52616.17, or for additional units of authorized adult education average daily attendance pursuant to subdivision (a), for the 2005–06 fiscal year:

- (A) Alhambra Unified School District.
- (B) Azusa Unified School District.
- (C) Banning Unified School District.
- (D) East Side Union High School District.
- (E) El Monte Union High School District.
- (F) Grant Joint Union High School District.
- (G) Madera Unified School District.
- (H) Montebello Unified School District.
- (I) Perris Union High School District.

1 (J) Santa Maria Joint Union High School District.

2 (K) Ventura Unified School District.

3 (2) The following school districts are not eligible for an  
4 increase in the *additional* units of authorized adult education  
5 average daily attendance, as specified in Section 52616.17, or for  
6 additional units of authorized adult education average daily  
7 attendance pursuant to subdivision (a), for the 2005–06 and  
8 2006–07 fiscal years:

9 (A) Amador County Unified School District.

10 (B) Dublin Unified School District.

11 (C) Manteca Unified School District.

12 (D) Martinez Unified School District.

13 (E) Novato Unified School District.

14 (F) Oakdale Joint Unified School District.

15 (G) Pittsburg Unified School District.

16 (H) Salinas Union High School District.

17 (I) Baldwin Park Unified School District.

18 (3) (A) Notwithstanding paragraph (1) or (2), for the 2005–06  
19 and 2006–07 fiscal years, a school district specified by paragraph  
20 (1) or (2) is eligible for an increase in the units of authorized  
21 adult education average daily attendance equal to one-half of one  
22 percent of the units of authorized adult education average daily  
23 attendance of the school district for the sole purpose of the  
24 creation of new average daily attendance within a new or existing  
25 nursing preparation program.

26 (B) A school district that receives an increase pursuant to  
27 subparagraph (A) shall maintain at least the amount of nursing  
28 preparation average daily attendance that is equal to the average  
29 daily attendance generated by the school district in nursing  
30 preparation programs for the prior three fiscal years to be eligible  
31 for the increase specified in subparagraph (A).

32 (4) It is the intent of the Legislature that this subdivision  
33 resolves disputed claims for adult education average daily  
34 attendance made for the 1990–91 and 1991–92 fiscal years.

35 SEC. 4. Due to the unique circumstances concerning disputed  
36 claims for adult education average daily attendance made by the  
37 school districts specified by Section 3 of this act, the Legislature  
38 finds and declares that a general statute cannot be made  
39 applicable within the meaning of Section 16 of Article IV of the  
40 California Constitution.

1 SEC. 5. This act is an urgency statute necessary for the  
2 immediate preservation of the public peace, health, or safety  
3 within the meaning of Article IV of the Constitution and shall go  
4 into immediate effect. The facts constituting the necessity are:

5 In order to implement funding formulas for authorized adult  
6 education average daily attendance prescribed by this act in the  
7 2005–06 fiscal year, it is necessary that this act take effect  
8 immediately.

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